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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/550,677   | 07/05/2006  | Masahiko Amari       | 034206.002          | 8340             |
| 441  | 7590        | 10/24/2007           | EXAMINER            |                  |
| SMITH, GAMBRELL & RUSSELL<br>1130 CONNECTICUT AVENUE, N.W., SUITE 1130<br>WASHINGTON, DC 20036 |             |                      | HWU, DAVIS D        |                  |
|  |             | ART UNIT             | PAPER NUMBER        |                  |
|  |             | 3752                 |                     |                  |
|  |             | MAIL DATE            | DELIVERY MODE       |                  |
|  |             | 10/24/2007           | PAPER               |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

|                              |                        |                     |
|------------------------------|------------------------|---------------------|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |
|                              | 10/550,677             | AMARI ET AL.        |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |
|                              | Davis D. Hwu           | 3752                |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 04 October 2007.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-9 is/are pending in the application.  
 4a) Of the above claim(s) 1,2 and 5-7 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 3,4,8 and 9 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
     Paper No(s)/Mail Date 9/26/05.
- 4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

1. Applicant's election of claims 3-9 with traverse is acknowledged. PCT practice does not preclude an election/restriction requirement to be made for the US case. Also, claims 5-7 are being withdrawn from examination as being to different embodiments of the apparatus of claim 3. The requirement is still deemed proper and is therefore made FINAL.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:
- The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claim 3 recites the limitations "the pin electrode", "the middle section", "the air cap 40", "the front surface", "the barrel 2", "the coating material delivery port", "the upper and lower portions...", "the square sections 40d and 40e", and "the diametrical direction". There is insufficient antecedent basis for these limitations in the claim.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 3, 4, 8, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sickles '482 in view of Binoch.

Sickles '482 discloses an electrostatic coating spray gun comprising a pin electrode 150 in a middle region of an air cap 70 attached to a front surface portion of a barrel 78 in the main body of the gun through a coating material delivery port 84; square sections 118 and 120 protruding forward from the delivery port 84 are formed at upper and lower positions in a diametrical direction of the air cap with the pin electrode 150 therebetween; electrodes 110 and 112 are accommodated in the interior of the square sections 118 and 120; and high dc voltage is applied between the grounding and the electrodes with the pin electrode grounded. Sickles does not disclose the electrodes being insulatively shielded. Binoch teaches an electrostatic coating spray gun comprising insulated. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Sickles '482 by providing insulation to the electrodes since such arrangements have already been taught by Binoch. Sickles also does not disclose the pin electrode 150 protruding from the middle region of the air cap, however, such a modification would have involved a mere change in the size of a component which is generally recognized as being within the level of ordinary skill in the art. Grounding the pin electrode by a wiring cable would also have been a matter of design choice.

***Conclusion***

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7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Shilton et al., Hastings et al., Lind, and Sickles '349 are pertinent to Applicant's invention.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davis D. Hwu whose telephone number is 571-272-4904. The examiner can normally be reached on 8:00-4:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*dh*  
Primary Examiner